

REMARKS

I. Introduction

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

II. Amendments to the Claims and Support Therefor

Claims 1 – 6 are pending while claims 5 and 6 are withdrawn from examination by the Examiner. Thus, claims 1 – 4 are being examined on the merits.

By way of the foregoing amendments, claim 1 is amended to specify that a fine object is adsorbed to the recited carbon microrod. Support for this amendment can be found throughout the specification, particularly at paragraphs 0002, 0030, 0035m 0036 and at Figure 1. Additionally, claim 4 is amended to correct a typographical error. Applicants respectfully submit that these amendments do not introduce new matter and therefore request the Examiner to enter the amendments.

III. The Office Action

A. Rejection of Claims Under 35 U.S.C. § 102(b)

1. Ground for Rejection

Claims 1 – 2 and 4 stand rejected as being allegedly anticipated by U.S. Pat. No. 5,218,757 to Kaneko et al (“Kaneko”). In the Examiner’s opinion, Kaneko discloses a thin carbon rod comprising a composite of crystalline and glass-like carbon, the graphite crystals of which can be oriented perpendicular to the rod surface. Additionally, the Examiner alleged that the reference discloses a tapered carbon rod measuring, at the thinnest end, 0.1 mm or less. To the extent that this rejection may apply to the claims as amended, Applicants respectfully traverse the rejection.

BEST AVAILABLE COPIE

2. Kaneko Does Not Teach or Suggest An Adsorbed Fine Object

Kaneko does not teach or suggest the claimed invention because the reference does not disclose a carbon microrod that has a fine object adsorbed to the microrod. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987). Consistent with the Examiner's general impressions, Kaneko discloses a carbon microelectrode for use in electrochemical detection. However, nowhere does Kaneko teach or suggest that the disclosed microelectrode has a fine object adsorbed to it. Because the reference does not meet this limitation of the claimed invention, Applicants respectfully submit that the reference does not anticipate the claims. Accordingly, Applicants courteously request the Examiner to reconsider and withdraw this rejection.

B. Rejection of Claim Under 35 U.S.C. § 103

1. Ground for Rejection

Claim 3 stands rejected as being allegedly obvious in view of Kaneko. In support of this rejection, the Examiner considers that although Kaneko does not explicitly disclose the amount of crystalline carbon recited in claim 3, it would nevertheless have been obvious to the routineer to select the claimed amount, this because the reference allegedly guides such selection based upon the kind of organic binder raw material, the diameter of the desired electrode, and the ultimate use of the electrode. To the extent that this rejection may apply to the claims as amended, Applicants respectfully traverse the rejection.

2. Kaneko Still Does Not Apply

Referring to the preceding discussion, Applicants submit that Kaneko does not meet all of the limitations of claim 3 because the reference does not teach or suggest a carbon microrod that has a fine object adsorbed to it. Moreover, there is absolutely no suggestion in the reference to modify the disclosed microrod to have an adsorbed fine object. This is so whether or not a person of ordinary skill would have selected the claimed amount of

crystalline carbon as urged by the Examiner. Consequently, Applicants respectfully submit that the amendments to the claims renders this rejection moot, and therefore request the Examiner to reconsider and withdraw this rejection.

IV. Conclusion

Applicants believe that the present application is now in condition for allowance and respectfully request favorable reconsideration of the application as amended. If the Examiner feels that a telephone interview would advance the prosecution of the present application, he is invited to contact the undersigned by telephone.

Respectfully submitted,

Date August 27, 2003

Michael W. Kammer
By Peg. No. 32, 404, fm

FOLEY & LARDNER
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 295-4767
Facsimile: (202) 672-5399

Steven M. Reid, Ph.D.
Representative for Applicant
Registration No. 54,393

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

BEST AVAILABLE COPY